Court No. 2

Writ Petition No. 806 (M/S) of 2002

ASSET INFOTECH LIMITED & Anr. ..... Petitioner

Versus

Punjab Technical University,
R E C Campus, G.T. Road, Jalandhar
and others ..... Respondents.

.....

Hon'ble P.C. Verma, J.

This writ petition has been filed by the petitioners seeking a writ of certiorari quashing the notice issued by the trial court on the application under Order 39 Rule 1 & 2 Code of Civil procedure in Regular Suit No. 712 of 2002 filed by the petitioner/plaintiff with a further prayer to command the parties to maintain status quo till the disposal of the suit.

On presentation of the plaint Order 39 Rule 1 & 2 C.P.C. enables the trial court to pass exparte temporary injunction if the court is satisfied that prior to the notice, granting of temporary injunction is necessary. In the present case, after hearing the learned counsel for the petitioners/plaintiffs the court did not find it a fit case to grant exparte temporary injunction, rather the notices have been issued. Notices have been issued on the application under Order 39 Rule 1 & 2 C.P.C. of the plaintiff himself. In my opinion, this is in accordance with the procedure under Order 39 Rule 1 & 2 C.P.C. The petitioner cannot challenge this notice successfully as he is cutting the same branch on which he is sitting. The settled law relating to challenge of notice that this Court cannot interfere the impugned order under Article 227 of the Constitution until the notice is shown to be without jurisdiction. In the present case the notice issued in accordance with the provisions or Order 39 Rule 1 & 2 C.P.C.

Therefore, in my opinion, the petition is devoid of merits and is dismissed.

(P.C. Verma, J.)

24.10.2002
P. Singh